

REMARKS

Favorable reconsideration is respectfully requested in light of the following remarks.

Currently, Claims 12-19 and 21 are pending the present application.

Claims 12-15, 17-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,442,456 to *Burns et al.* in view of U.S. Patent No. 6,363,632 to *Stentz et al.* Claims 12, 15-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Burns et al.* in view of U.S. Patent No. 6,157,889 to *Baker*. Claims 12, 15-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Baker* in view of *Burns et al.* Claims 12-15, 17-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Stentz et al.* in view of *Burns et al.*

With regard to *Burns et al.*, the Examiner alleges that this reference discloses a control system for automatically guiding autonomous movements of a dumper truck 32 and a loading vehicle 10 (Figure 6). The Examiner further alleges that the controller maneuvers the dumper truck and the loading vehicle to a position that enables the loading of the dumper truck 32 by the loading vehicle 10. However, this is simply not the case.

In *Burns et al.*, the excavator does its work and changes its position on the basis of the place where it has to excavate. The dumper truck 32 moves and changes its loading site in relation to the mine by following the position of the excavator in the mine. Thus, there is no predetermined loading site where the dumper truck would park itself to wait loading and where a loader would drive in order to load the dumper truck.

The Examiner seeks to rely upon *Stentz et al.* for disclosing the features not shown in *Burns et al.* In particular, the Examiner claims that *Stentz et al.* discloses an automatic system for loading material autonomously from a loading vehicle to a dumper truck. However, *Stentz et al.* is quite similar to *Burns et al.* Like *Burns et al.*, the excavator in

Stentz et al. changes its position in order to excavate the correct place on the site. In addition, the dump truck 206 *Stentz et al.* changes its loading position in relation to the working site and follows the position of the excavator 202.

Although *Stentz et al.* includes means for locating the loading of the dump truck prior the actual loading of the truck, it does not disclose a loading site predetermined in relation to the working site, where the dump truck drives and parks to wait loading in that loading site and where a loader would drive to in order to load the dump truck in the loading site. As such, *Stentz et al.* fails to disclose “means controlled by the controller for stopping the dumper in a loading area in a predefined position”. Therefore, neither *Burns et al.* nor *Stentz et al.*, in combination or alone, disclose the patentable features of independent Claim 12.

The Examiner also rejects Claim 12 over the combination of *Burns et al.* with *Baker*. Like *Burns et al.* and *Stentz et al.*, *Baker* discloses a solution in which the dump truck changes its loading position in relation to the working site by following the position of the excavator. Thus, *Baker* fails to disclose “means controlled by the controller for stopping the dumper in a loading area in a predefined position”, the loading site to which both the dump truck and the loader drive, whereby the dump truck stops during the loading. Although *Baker* discloses the system of how to load the dump truck more evenly, it does not disclose the features discussed above. Accordingly, neither *Baker* nor *Burns et al.*, in combination or alone, disclose the patentable features of independent Claim 12.

For at least the foregoing reasons, it is submitted that the apparatus of Claim 12, and the claims depending therefrom, are patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: February 20, 2008
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